

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Justin M. Malik
Laura L. McKee
Debtor(s)

Bankruptcy Case No.: 15-22990-GLT
Issued Per 2/2/2017 Proceeding
Chapter: 13
Docket No.: 221 - 149
Concl. Conf.: February 2, 2017 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(I.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 4, 2016 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,844.00 as of February, 2017. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on Feb. 2, 2017 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 2 of Wells Fargo .
- H. Additional Terms: The secured claim(s) of the following creditor(s) shall govern as to prepetition arrears, and the monthly postpetition payments shall be based on allowed payment changes of record: Claim No. 10-2 of PNC Bank

The Trustee's computation of the plan base shall include the lump sum funding described in the plan, in the amount of \$39,931.32.

Case 15-22990-GLT Doc 222 Filed 02/05/17 Entered 02/06/17 00:52:33 Desc
Imaged Certificate of Notice Page 2 of 6
Siwel Sytems shall be paid \$1,598.13 with 6% interest over the life of the plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

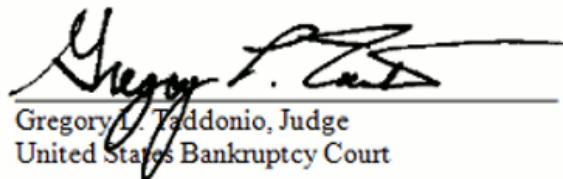
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory L. Taddonio, Judge
United States Bankruptcy Court

Dated: February 3, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
 Justin M. Malik
 Laura L. McKee
 Debtors

Case No. 15-22990/GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

Page 1 of 2
 Total Noticed: 58

Date Rcvd: Feb 03, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 05, 2017.

db/jdb +Justin M. Malik, Laura L. McKee, 346 Nilan Hill Rd., Point Marion, PA 15474-1390
 aty +Robleto Law, PLLC, Three Gateway Center, 401 Liberty Avenue, Suite 1306, Pittsburgh, PA 15222-1004
 cr George A. Franks, III, c/o David Z. Valencik, Esq., Calaiaro Valencik, 428 Forbes Ave., Ste. 900, Pittsburgh, PA 15219-1621
 cr Siwel Systems, LLC, 100 Lincoln Highway, Imperial, PA 15126-2200
 14094388 +ACS/College Loan Corp., College Loan Corporation, 10000 W. Charleston Blvd., Suite 200, Las Vegas, Nevada 89135-1004
 14164126 American InfoSource LP as agent for, DIRECTV, LLC, PO Box 51178, Los Angeles, CA 90051-5478
 14094390 Atlantic Broadband, 24 Main St, Bradford, PA 16701-2018
 14094391 Bank of America Practice Solutions, PO Box 809155, Chicago, IL 60680-9155
 14094392 Best Buy/CBNA, PO Box 6497, Sioux Falls, SD 57117-6497
 14094393 C.A. Curtze Co., d/b/a Specialty Steak Service, 1717 E 12th St, Erie, PA 16511-1723
 14114346 +C.A. Curtze Co. d/b/a Specialty Steak Service, c/o Amato Keating and Lessa, P.C., 107 North Commerce Way', Bethlehem PA 18017-8913
 14141911 CAPITAL ONE, N.A., C/O BECKET AND LEE LLP, POB 3001, MALVERN, PA 19355-0701
 14133240 +CLC TRUST II/ELT DEUTSCHE BANK On behalf of, MHEAC d/b/a ASA, c/o Keith Coburn, MHEAC d/b/a ASA, 100 Cambridge Street, Suite 1600, Boston, MA 02114-2518
 14120257 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14094394 Capital One Bank USA NA, PO Box 30281, Salt Lake City, UT 84130-0281
 14094395 Citi Cards/Citbank, PO Box 6241, Sioux Falls, SD 57117-6241
 14094396 +Credit Protection Association LP, 13355 Noel Rd, Dallas, TX 75240-6837
 14094397 ++DIRECTV LLC, ATTN BANKRUPTCIES, PO BOX 6550, GREENWOOD VILLAGE CO 80155-6550
 (address filed with court: Direct TV, PO Box 60036, Los Angeles, CA 90060-0036)
 14201268 +Deere & Company d/b/a John Deere Financial, 6400 NW 86th St, Johnston IA 50131-2945
 14151387 ECAST SETTLEMENT CORPORATION, POB 29262, NEW YORK, NY 10087-9262
 14344316 ECMC, PO BOX 16408, St. Paul, MN 55116-0408
 14094398 Fayette Broadcast Corporation, 44 S Mount Vernon Ave, Uniontown, PA 15401-3224
 14094399 Frank Fratto Inc., 711 Kingview Rd, Scottdale, PA 15683-1836
 14094400 Franklin American Mortgage Company, PO Box 77404, Ewing, NJ 08628-6404
 14149564 +George A. Franks, III, 324 High Avenue, Masiontown, PA 15461-1916
 14129137 Granite State Mgmt, PO Box 3420, Concord, NH 03302-3420
 14094402 Herald-Standard, 8 E Church St, Uniontown, PA 15401-3563
 14094403 Home City Ice, PO Box 111116, Cincinnati, OH 45211-1116
 14094404 +Joe Belt and Sandy Belt, 4034 Pinehurst Drive, Morgantown, WV 26505-8083
 14094405 +John Deere Financial, PO Box 4450, Carol Stream, IL 60197-4450
 14160492 Joseph and Linda Swartz, 35 Meadow Ln, Uniontown, PA 15401-5265
 14094406 Masontown Trophy and Embroidery, 25 S Main St, Masontown, PA 15461-2039
 14094407 NHHELC/GSM&R, PO Box 3420, Concord, NH 03302-3420
 14094408 OneView Finance, PO Box 4130, Hopkins, MN 55343-0498
 14094409 +PA Dept. of Labor and Industry, State Workers Insurance Fund, 100 Lackawanna Ave, Scranton, PA 18503-1966
 14163941 +PA State Workers' Insurance Fund, c/o Mary Boyco, 100 Lacakwanna Ave, Scranton, PA 18503-1966
 14100003 +PNC BANK, N.A., PO BOX 94982, CLEVELAND, OHIO 44101-4982
 14094410 PNC Bank, PO Box 856177, Louisville, KY 40285-6177
 14145735 +PNC Mortgage, a division of PNC Bank N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14094411 Sears/CBNA, PO Box 6283, Sioux Falls, SD 57117-6283
 14161065 Siwel Systems, LLC, c/o E.D. Lewis, Member, 100 Lincoln Highway, Imperial, PA 15126-2200
 14094412 The North Fayette County Municipal Auth., 1634 University Dr, Dunbar, PA 15431-2045
 14160493 Thomas and Constance Battaglia, PO Box 243, Uledi, PA 15484-0243
 14094414 United Bank, PO Box 2373, Charleston, WV 25328-2373
 14094413 United Bank, 81 W Main St, Uniontown, PA 15401-3340
 14094415 United Bankcard Center, 514 Market St, Parkersburg, WV 26101-5144
 14108884 Wells Fargo Bank N.A., d/b/a Wells Fargo Dealer Se, P.O. Box 19657, Irvine, CA 92623-9657
 14094416 Wells Fargo Dealer Services, PO Box 1697, Winterville, NC 28590-1697

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscidi@recoverycorp.com Feb 04 2017 02:27:54
 Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120,
 Miami, FL 33131-1605
 14094389 E-mail/Text: holly.tylka@advanceddisposal.com Feb 04 2017 02:24:32 Advanced Disposal,
 1192 McClellandtown Rd, McClellandtown, PA 15458-1118
 14130875 E-mail/Text: bankruptcy.bnc@ditech.com Feb 04 2017 02:24:06 Ditech Financial LLC,
 PO BOX 6154, Rapid City, SD 57709-6154
 14094401 +E-mail/Text: bankruptcy.bnc@ditech.com Feb 04 2017 02:24:06 Green Tree, PO Box 6172,
 Rapid City, SD 57709-6172
 14114015 +E-mail/Text: bnckohlsnotices@becket-lee.com Feb 04 2017 02:24:02 Kohls, PO BOX 3115,
 Milwaukee, WI 53201-3115
 14149360 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Feb 04 2017 02:34:37
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

District/off: 0315-2

User: dbas
Form ID: 149

Page 2 of 2
Total Noticed: 58

Date Rcvd: Feb 03, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

14109347 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Feb 04 2017 02:24:18
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg, Pa. 17128-0946
14100870 E-mail/PDF: rmscеди@recoverycorp.com Feb 04 2017 02:28:33
Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120,
Miami, FL 33131-1605
14094417 +E-mail/Text: bankruptcy@firstenergycorp.com Feb 04 2017 02:24:30 West Penn Power,
76 S Main St, Akron, OH 44308-1817
14160978 +E-mail/Text: bankruptcy@firstenergycorp.com Feb 04 2017 02:24:30 West Penn Power,
5001 NASA Blvd, Fairmont, WV 26554-8248

TOTAL: 10

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LL
cr PNC Bank, National Association
cr* ECMC, P.O. BOX 16408, ST. PAUL, MN 55116-0408

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 05, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 3, 2017 at the address(es) listed below:

Andrew F Gornall on behalf of Creditor PNC Bank, National Association
agornall@goldbecklaw.com, bkgroup@goldbecklaw.com;bkgroup@kmllawgroup.com
Aurelius P. Robleto on behalf of Attorney Robleto Law, PLLC apr@robletolaw.com,
rmk@robletolaw.com, lsr@robletolaw.com, apr@ecf.courtdrive.com
Aurelius P. Robleto on behalf of Debtor Justin M. Malik apr@robletolaw.com, rmk@robletolaw.com,
lsr@robletolaw.com, apr@ecf.courtdrive.com
Aurelius P. Robleto on behalf of Joint Debtor Laura L. McKee apr@robletolaw.com,
rmk@robletolaw.com, lsr@robletolaw.com, apr@ecf.courtdrive.com
David Z. Valencik on behalf of Creditor George A. Franks, III dvalencik@c-vlaw.com,
cvlaw.ecf.dvalencik@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
Donald R. Calaiaro on behalf of Creditor George A. Franks, III dcalaiaro@c-vlaw.com,
cvlaw.ecf.dcalaiaro@gmail.com; aheath@c-vlaw.com; kmosur@c-vlaw.com
James Warmbrodt on behalf of Creditor PNC Bank, National Association bkgroup@kmllawgroup.com
James A. Prostko on behalf of Creditor DITECH FINANCIAL LLC F/K/A GREEN TREE SERVICING LLC
pawb@fedphe.com, james.prostko@phelanhallinan.com
Nicholas R. Pagliari on behalf of Creditor Siwel Systems, LLC npagliari@mjb.com,
sburick@mjb.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winneccour cmevf@chapter13trusteevdpa.com

TOTAL: 11